

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Crl.Rev.Pet.No. 220 of 2002

**CRA.90/1999 of ADDL.SESIONS COURT, KOZHIKODE
ST.1689/1996 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI**
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REVN. PETITIONER: PETITIONER/APPELLANT/ACCUSED:

**M.K. KUNHIRAMAN, S/O. KRISHNAN,
MAVALLATHIL HOUSE, P.O. KUYITHERI,
VALAYAM AMSOM.**

BY ADV. SRI.P.S. SREEEDHARAN PILLAI

RESPONDENTS: RESPONDENT/RESPONDENT/COMPLAINANT:

**1. K.K. ABDUL HAMEED, S/O. SOOPPY,
KURUVANKANDIYIL HOUSE, KUNNUMMAL
AMSOM DESOM.**

**2. STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

**BY ADV. SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 8-3-2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

ORDER ON CRL.M.P. NO. 1673 OF 2002 IN CRL.R.P.NO. 220/2002-A

DISMISSED.

8-3-2007

SD/-K.R.UDAYABHANU, JUDGE

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P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.220 of 2002-A

DATED THIS THE 8TH DAY OF MARCH 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and to pay a compensation of Rs.25,000/- under Section 357(3) Cr.P.C. and in default to undergo simple imprisonment for another one month. The contention of the revision petitioner /accused is that the complainant cannot be treated as holder in due course. I find that the above contention stands disproved from the evidence of PWs. 1 and 3 and the endorsement on Ext.P1, the impugned cheque. In the circumstances, I find no ground to interfere in the concurrent findings of the courts below. The cheque is for a sum of Rs.20,000/-. The proceedings were initiated in 1996. Hence, there is no reason to reduce the amount of compensation. The conviction and sentence is confirmed.

The revision petitioner has sought for modification of the sentence. In the circumstances, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is sustained. The revision petitioner is granted three months time to

pay the amount of compensation, less the amount, if any , already deposited. The revision petitioner/accused shall appear before the Judicial Magistrate of First Class, Nadapuram on 14-6-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO. 220 OF 2002-A

ORDER

8-3--2007